

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MICHAEL P. OBERMILLER,

Plaintiff,

v.

WARNER, C, HSU Sup,

Defendant.

ORDER

13-cv-813-bbc

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Plaintiff Michael P. Obermiller, a prisoner at the Chippewa Valley Correctional Transitional Facility in Chippewa Falls, Wisconsin, has submitted a proposed complaint. With the exception of habeas corpus proceedings, the fee for civil actions filed after May 1, 2013 is \$400 unless a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a), in which case the fee is \$350. Plaintiff has filed a motion for leave to proceed *in forma pauperis*.

Because plaintiff is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed *in forma pauperis*, he will have to make an initial partial payment of the filing fee for this case. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his complaint.

Plaintiff's complaint was signed on November 8, 2013. His trust fund account statement should cover the six-month period beginning approximately May 8, 2013, and ending approximately November 8, 2013. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaints under § 1915(e)(2). Plaintiff should show a copy

of this order to institution officials to insure that they are aware they should send a copy of plaintiff's trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff Michael Obermiller may have until December 12, 2013, in which to submit a certified copy of his inmate account statement for the period beginning approximately May 8, 2013 and ending approximately November 8, 2013. If, by December 12, 2013, plaintiff fails to respond to this order, I will assume that he wishes to withdraw these two actions voluntarily. In that event, the clerk of court is directed to close these two cases without prejudice to plaintiff's filing them at a later date.

Entered this 20<sup>th</sup> day of November, 2013.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge